

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

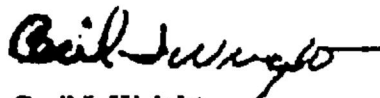
July 31, 1997

CASE NO: TO-98-41

James C. Stroo, 1000 GTE Drive, Wentzville, MO 63385

Enclosed find certified copy of ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink, appearing to read "Cecil I. Wright", written over the printed name.

**Cecil I. Wright
Executive Secretary**

Uncertified Copy:

**Joel Margolis, 1505 Farm Credit Drive, McClean, VA 22102
Office of the Public Counsel, P. O. Box 7800, Jefferson City, MO 65102
To all Local and Interexchange Service Providers**

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Joint Application)	
of GTE Midwest Incorporated and GTE)	
Arkansas Incorporated and Dial Call, Inc.)	<u>CASE NO. TO-98-41</u>
for Approval of Interconnection)	
Agreement Under the Telecommunications)	
Act of 1996.)	

ORDER AND NOTICE

GTE Midwest Incorporated and GTE Arkansas Incorporated (collectively GTE) and Dial Call, Inc. (Nextel Communications) (Nextel) filed an Application with the Commission on July 29, 1997, for approval of an interconnection agreement (the Agreement) between GTE and Nextel under the provisions of the federal Telecommunications Act of 1996 (the Act). The applicants state that there are no unresolved issues, that the agreement complies with Section 252(e) of the Act, is not discriminatory and is consistent with the public interest. The applicants request expeditious approval of the agreement without change, suspension, or other delay in its implementation.

The Commission finds that proper persons should be allowed 20 days from the issuance of this order to file a motion for hearing or an application to participate without intervention. Participation may be permitted for the limited purpose of filing comments addressing whether this agreement meets the federal standards for approval of interconnection agreements. The requirement of a hearing is met when an opportunity to be heard has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 770 S.W.2d 494, 496 (Mo. App. 1989). Therefore,

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if no party requests a hearing, the Commission may grant the relief requested based on the verified application.

The standards for approval are as follows:

§252(e) APPROVAL BY STATE COMMISSION

- (1) **APPROVAL REQUIRED.** - Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State Commission. A State Commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.
- (2) **GROUND FOR REJECTION.** - The State Commission may only reject -
 - (A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that -
 - (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; . . .

Section 252(e)(4) provides that if a the Commission has not approved or rejected an agreement within ninety days after submission, the agreement shall be deemed approved. Therefore, the Commission will proceed with this case expeditiously and, if there are no requests for a hearing, relief may be granted based on the verified petition. The Commission finds that notice of this application should be sent to all interexchange and local exchange telecommunications companies.

The Commission notes that it is impossible to determine from the application with any degree of confidence whether Dial Call, Inc. is the legal name of the company with whom GTE has entered into an interconnection agreement, and whether Nextel Communications is a properly

registered fictitious name of Dial Call, Inc. The Commission finds that Dial Call, Inc. should file a pleading containing the information required by 4 CSR 240-2.060(1)(A).

IT IS THEREFORE ORDERED:

1. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than August 20, 1997, with the Executive Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri, 65102, and send copies to:

James C. Stroo,
Atty. for GTE
1000 GTE Drive
Wentzville, Missouri 63385

Joel M. Margolis,
Atty. for Nextel
1505 Farm Credit Drive
McClellan, Virginia 22102


2. That comments addressing whether this agreement meets the standards for approval of interconnection agreements must be filed no later than September 19, 1997.

3. That the Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefore no later than October 3, 1997.

4. That Dial Call, Inc. (Nextel Communications) shall file a pleading which specifies the legal name of the company, and which provides evidence of the registration of fictitious name with the Missouri Secretary of State, in compliance with 4 CSR 240-2.060(1)(A), no later than September 2, 1997.

5. That this order shall become effective on the date hereof.

BY THE COMMISSION



Cecil I. Wright
Executive Secretary

(S E A L)

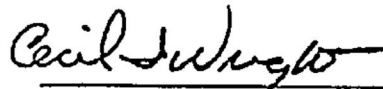
Elaine E. Bensavage,
Administrative Law Judge, by
delegation of authority pursuant to
4 CSR 240-2.120(1) (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 31st day of July, 1997.

STATE OF MISSOURI
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 31st day of JULY, 1997.


Cecil I. Wright
Executive Secretary